

**RESPONSE TO COMMENTS
CLEAN HARBORS WILMINGTON, LLC
1737 EAST DENNI STREET
WILMINGTON, CALIFORNIA
RCRA HAZARDOUS WASTE FACILITY PERMIT**

September 15, 2011

BACKGROUND

Clean Harbors Wilmington, LLC (Clean Harbors) submitted an application to the Department of Toxic Substances Control (DTSC) on December 15, 2004 to renew its RCRA Hazardous Waste Facility Permit (Permit). The Permit would allow Clean Harbors to continue to operate the hazardous waste storage and treatment facility at 1737 East Denni Street in Wilmington. The application was revised several times with the last revision being June 9, 2011. DTSC deemed the application to be complete and prepared a draft Permit. DTSC informed the public of a 45-day public comment period on the draft Permit by having display advertisements published in the Daily Breeze (English newspaper) on June 29, 2011 and the Impacto USA (Spanish newspaper) on July 2, 2011. Copies of a fact sheet (in English and Spanish) were mailed to the persons on the facility mailing list. A paid public notice announcing the public comment period was also aired in English on 104.3 FM and in Spanish on KTNQ AM. The public comment period ended on August 15, 2011.

DTSC also proposed to issue a Notice of Exemption for this project to comply with the California Environmental Quality Act.

DTSC received one comment from the community. This document provides DTSC's response to that comment. The person who made the comment is identified and the comment is shown in italics and listed after the person's name. DTSC's response to the comment follows. This document will be provided to the commenter, placed in the information repositories for this project and added to the administrative record for the Final Permit Decision. Pursuant to California Code of Regulations, Title 22, section 66271.14(b)(3), the final Permit became effective immediately since the comment did not request changes to the draft Permit.

COMMENTER: Rose Duarte

Comment:

My concern is for us residents, who deal with the odors and the noise of the trains. How much worse is it going to get! The train conductors have no regard for the sleeping in the nearby homes, blasting their horns all through the night. More trains means more noise! The odors that come from that area nauseating! Please stop killing us!

Response:

Odors are regulated by the Southern California Air Quality Management District (SCAQMD) and noises from trains are regulated by the Federal Railroad Administration. However, DTSC does evaluate all sources of emissions including diesel emissions emitted at the facility to insure that emissions are minimized and that any health risks are assessed and considered acceptable. In the case of the Clean Harbors Wilmington facility, the amount of diesel emissions emitted from the facility sources were considered negligible. There are two potential sources for diesel emissions at the facility: (1) trucks making deliveries or pickups and (2) train locomotives from switching railcars on the proposed siding. Diesel locomotives would make less than one switch per day at the facility after the rail siding is placed into service. Diesel trucks must meet the California Diesel PM standards and are required to turn their engines off when not in use at the facility. Estimated operating time for either of these potential sources for the facility is less than 15 minutes per day. Total emissions would be negligible when compared with the traffic adjacent to the facility. For odor complains you can call the Southern California Air Quality Management District (SCAQMD) at 1 -800-CUT-SMOG OR 1-800-288-7664.

Also a Health Risk Assessment (HRA) was prepared for this facility to evaluate emissions associated with the hazardous waste activities. The HRA evaluated the risk for the emissions of Volatile Organic Compounds. The results of the evaluation determined that the treatment and storage of hazardous wastes at the facility will not significantly increase any risk to human health and/or the environment.

As mention above, train noise is regulated by the Federal Railroad Administration. A new law that went into effect on June 24, 2005, requires locomotive horns to be sounded as a warning to highway users at public highway-rail crossings. Also that law provides an opportunity for localities nationwide to mitigate the effects of train horn noise by establishing new "quiet zones." The federal regulation concerning train horns is officially known as the FRA's Final Rule on the Use of Locomotive Horns at Highway/Rail Grade Crossings. The Final Rule and FRA explanatory materials can be found on the FRA's Web site at <http://www.fra.dot.gov/rpd/freight/1318.shtml>.